

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: ) CASE NO.: 17-81737-TLS  
Joseph G. Bruckner, and )  
Leslie E Bruckner, *Debtors* ) CHAPTER 13  
Wilmington Savings Fund Society, FSB, D/B/A )  
Christiana Trust as Owner Trustee of the Residential )  
Credit Opportunities Trust V )  
vs. )  
Joseph G. Bruckner, and )  
Leslie E. Bruckner )  
and )  
Kathleen Laughlin, *Trustee* )

**STIPULATED ORDER IN SETTLEMENT OF**  
**THE MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Comes now, Movant, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust as Owner Trustee of the Residential Credit Opportunities Trust V, its successors and/or assignees, (“Movant”), by and through its attorney, Kristin A. Zilberstein, and the Debtors Joseph G. Bruckner and Leslie E. Bruckner (“Debtors”), by and through their attorney, Burke Smith, and enter this Stipulated Order (“Order”) in settlement of the above referenced motion, with the following terms:

1. Debtors have granted, and the parties hereto acknowledge, that Movant has a valid perfected security interest in certain real property commonly known as 1229 Cole Creek Dr., Omaha, NE 68114 (the “Property”).
2. Debtors agreed that they are due and owing to Movant for the following:

Monthly payments:	5	at	\$720.00	\$	3,600.00
Late charges:	1	at	\$306.24	\$	306.24

Bankruptcy Attorney Fee:	\$	850.00
Bankruptcy Filing Fee:	\$	181.00
<b>Total Delinquencies:</b>	<b>\$</b>	<b>4,937.24</b>

3. Beginning August 1, 2018, and continuing the 1<sup>st</sup> of every month thereafter, Debtors shall timely make their regular monthly mortgage payments to Movant according to the terms of the Note.

4. Debtors shall continuously maintain and pay for adequate insurance on the Property and pay all taxes attributable to the Property when due.

5. Beginning August 15, 2018 and on the 15<sup>th</sup> of the month for six (6) months, Debtors shall cure the default of \$4,937.24 pursuant to the following schedule:

Cure payments:	8/15/2018	\$	822.87
	9/15/2018	\$	822.87
	10/15/2018	\$	822.87
	11/15/2018	\$	822.87
	12/15/2018	\$	822.87
	1/15/2019	\$	822.89
<b>Total Delinquencies:</b>		<b>\$</b>	<b>4,937.24</b>

6. Debtors shall send the regular payments and cure payments to the following address while in Bankruptcy, unless and until notified otherwise by Movant, or its successors and/or assigns:

FCI Lender Services  
P.O. Box 27370  
Anaheim Hills, CA 92809

7. Upon any default in the terms and conditions set forth in this Stipulation, Movant must serve written notice of default to the Debtors' attorney of record, if any, by Electronic Mail and U.S. Mail. Movant must also serve written notice of default to the Debtors by U.S. Mail. If the Debtors fail to cure the default within ten (10) days after service of such written notice Movant may file and serve

a declaration under penalty of perjury specifying the default, together with a proposed order terminating the stay, which the Court may grant without further notice or hearing.

8. Notwithstanding anything contained in this Stipulation to the contrary, The Debtors shall be entitled to a Maximum of One Notice of Default and Opportunity to cure pursuant to the preceding paragraph. Once the Debtors have defaulted one time on the obligations imposed by this order and has been served with one Notice of Default, Movant is relieved of any obligation to serve additional notices of default or to provide additional opportunities to cure. If an event of default occurs thereafter, Movant will be entitled, without first serving a notice of default or providing the Debtors with an opportunity to cure, to file and serve a declaration under penalty of perjury setting forth in detail the Debtors' failures to perform under this Stipulation, together with a proposed order terminating the stay, which the Court may enter without further notice or hearing.

9. Movant shall be entitled to charge a fee of \$150.00 for any ten (10) day written notice required because of default.

10. Movant may accept any and all payments made pursuant to this Order without prejudice to or waiver of any rights or remedies to which Movant would otherwise have been entitled under applicable nonbankruptcy law.

11. This Stipulation is binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated with respect to the Property by Court order or by operation of law, this Stipulation ceases to be binding and Movant may proceed to enforce its remedies under applicable nonbankruptcy law against the Property and/or against the Debtors.

12. If Movant obtains relief from stay based on the Debtors' default under this Adequate Protection Agreement, the Order granting relief will contain a waiver of the 14-day stay as provided in FRBP 4001(a)(3).

13. In the event this case is converted to a Chapter 7 proceeding, the Automatic Stay shall be terminated without further notice, order or proceedings of the Court. If the Automatic Stay is terminated

as a matter of law, the terms of this Order shall immediately cease in effect and Movant may proceed to enforce its remedies under non-bankruptcy law against the Property and/or the Debtors.

14. Debtors and Movant agree that Movant's Motion be and is hereby DENIED AS SETTLED.

So Ordered: \_\_\_\_\_ Dated: July 19, 2018

s/ Thomas L. Saladino

Honorable Judge Thomas L. Saladino  
United States Bankruptcy Judge

THE LAW OFFICES OF MICHELLE GHIDOTTI

/s/ Kristin A. Zilberstein  
Kristin A. Zilberstein (CABN 200041)  
1920 Old Tustin Avenue  
Santa Ana, CA 92705  
Ph: (949) 427-2010  
Fax: (949) 427-2732  
kzilberstein@ghidottilaw.com  
Attorney for Wilmington Savings Fund  
Society, FSB, D/B/A Christiana Trust as  
Owner Trustee of the Residential Credit  
Opportunities Trust V

Burke Smith Law

Copies electronically sent by the court to:  
\*Kristin Zilbertstein, Burke Smith, Kathleen Laughlin & UST  
\*Movant shall provide notice to parties in interest as required  
by rule or statute.

/s/ Burke Smith  
Burke Smith  
10730 Pacific Street, Suite 100  
Omaha, NE 68114  
Ph: (402) 718-8865  
Fax: (402) 218-4391  
burke@burkesmithlaw.com  
Attorney for Debtors